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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/792,061

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Scott D'Avanzo

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EXAMINER

THOMAS, ERIC M

ART UNIT

PAPER NUMBER

3714

NOTIFICATION DATE

DELIVERY MODE

09/14/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/792,061	Applicant(s) D'AVANZO, SCOTT	
	Examiner Eric M. Thomas	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the arguments filed on 12/31/07, PROSECUTION IS HEREBY REOPENED. As set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) File a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 – 6 and 26 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. (U.S. 2004/0180716) in view of Marta (U.S. 6,394,901).**

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Regarding claims 1 and 26, Seelig provides a gaming machine and method that discloses at least one moveable indicator, which is shown in fig. 1a as part number 43, that indicates a prize to a player wherein the indicator is a mechanical component of the gaming machine as shown in fig. 4, wherein the indicator (part 43) is connected to gear part number 152 that is located inside the gaming machine. Seelig further discloses that a moveable indicator actuator and a controller may be in communication with the moveable indicator and may be configured to move the indicator along a predetermined path so that the moveable indicator reveals a game outcome (par. 0030). Seelig further teaches that the indicator may conform to a theme of the game, wherein the example in fig. 5, the indicator is that of a detective that includes a magnifying glass as a pointer portion, wherein the pointer portion, (part 106, fig. 5), may be configured to substantially cover an indicia and then reveal the indicia in the event the player has won a prize (par. 0081). The examiner views this as the indicator being a mechanical component and the pointer portion being a dynamic member that is operable to reveal a display device wherein the display device is operable to generate a random symbol related to the gaming machine award, but Seelig is silent on the issue of the mechanical component concealing the display device. In a related art, however, Marta discloses a gaming machine that is configured as a slot machine for play of a dice game, such as craps, (col. 5, lines 18 - 20), wherein as shown in fig. 1, the dice are held by a mechanically actuated simulated hand, (part 30 of fig. 1), wherein the hand physically throws the dice upon actuation of the lever handle, (col. 5, lines 40 – 45), wherein Marta further teaches that the gaming machine includes a means for displaying and paying out to the player

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the total winnings, if any, accrued from the initial throw of the dice and through subsequent play of the game (col. 3, lines 49 – 52). This is viewed by the Examiner in combination with Seelig, as meeting the limitation of a mechanical component having a dynamic member that is operable to conceal and moves to reveal a display device, wherein the display is operable to randomly generate a gaming machine symbol related to a gaming machine award. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Marta into the art disclosed by Seelig in order to enhance the reality of the bonus indicator, thus making the game more interesting to the players and increase game plays.

Regarding claims 4 and 29, Seelig provides a gaming machine that includes an indicator that may point to particular indicia, wherein the indicator may be configured to point to indicia that convey an outcome (par. 0091). Seelig further discloses a feature that allows a player to select the position of the indicator in a variety of ways using directional buttons (par. 0128). The examiner views this as allowing the player the opportunity to select one or more hands to reveal a symbol related to a gaming machine award.

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Regarding claim 6, wherein the one or more hands support a watch having a display, this is a design choice since placing a watch on one or more hands as claimed does not bring unexpected results to the outcome of the game. Note that, the watch as claimed is considered as a decorative device since it does not bear any function of the game.

Allowable Subject Matter

4. Claims 2, 3, 5, 27, 28, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These claims are deemed allowable subject matter as there is no prior art known wherein a gaming machine discloses one or more arms extending from the gaming machine that includes one or hands joined to the said arms, wherein the corresponding hand may open to reveal a prize that may be awarded to a player.

Response to Arguments

5. Applicant's arguments with respect to claims 1 – 6 and 26 - 30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Thomas whose telephone number is (571) 272-1699. The examiner can normally be reached on 7a.m. - 3p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Primary Examiner, Art Unit 3714

/E. M. T./
Examiner, Art Unit 3714